

Application No. 10/798,637  
Amendment After Final dated February 28, 2006  
Reply to Final Office Action mailed November 28, 2005

### REMARKS

The present Amendment is in response to the Examiner's Final Office Action mailed November 28, 2005. Claim 1 is cancelled and claims 2-8, 9, 15, and 30-32 are amended. Claims 2-32 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicants' remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants' understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

#### I. Rejections Under 35 U.S.C. § 112

The Office Action rejects claims 30-32 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. In particular, the Examiner alleges that Applicants have not sufficiently described a "compressive covering material" as disclosed in independent claim 30. In response, Applicants have amended independent claim 30 to disclose a "*compressible* covering material" (emphasis added) for use in the stator assembly. Applicants note that use of a compressible covering material is supported by Applicants' specification at

Application No. 10/798,637  
Amendment After Final dated February 28, 2006  
Reply to Final Office Action mailed November 28, 2005

least in paragraphs 14, 20, 53, and 54. Applicants therefore submit that independent claim 30 and its dependent claims 31 and 32 are allowable as currently amended and solicit the removal of the rejection to these claims under Section 112.

### II. Rejections Under 35 U.S.C. § 102

The Office Action rejects claims 1, 2, and 4 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,821,846 to Pleiss, Jr. *et al.* ("Pleiss"). In response, Applicants note that independent claim 1 has been cancelled and that formerly dependent claim 3, which was objected to for its dependence on a rejected basic claim, has been rewritten in independent format. In addition, claims 2 and 4-8 have been amended to depend from claim 3. As discussed below, claim 3 should now be allowable as rewritten. As such, claims 2 and 4, together with the other claims depending from claim 3, are also allowable, and Applicants therefore solicit the removal of the rejection to these claims under Section 102.

### III. Rejections Under 35 U.S.C. § 103

The Office Action rejects claims 5-8 under 35 U.S.C. § 103(a) as being unpatentable over Pleiss in view of U.S. Patent No. 6,487,273 to Takenaka *et al.* ("Takenaka"). As noted above, claims 5-8 have been amended to depend from claim 3, which was merely objected to in the Office Action, and which should now be allowable as rewritten. As such, claims 5-8 are also allowable, and Applicants respectfully request the removal of the rejection to these claims under Section 103.

Application No. 10/798,637  
Amendment After Final dated February 28, 2006  
Reply to Final Office Action mailed November 28, 2005

#### **IV. Allowed Subject Matter**

The Office Action objects to claim 3 as being dependent upon a rejected base claim, but states that the claim would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. In response, Applicants have rewritten claim 3 in independent form to include all the limitations of independent claim 1 from which it formerly depended. Removal of the objection and allowance of claim 3 is therefore respectfully requested.

Applicants wish to thank the Examiner for the allowance of claims 9-15 and 22-29.

Applicants submit the following comments regarding the Examiner's statements of reasons for the indication of allowable subject matter in the Office Action. Applicants agree with the Examiner that the claimed invention of claims 9-15 and 22-29 is patentable over prior art, but respectfully disagree with the Examiner's statement of reasons for allowance as set forth in the Office Action. Applicants submit that it is the claim as a whole, rather than any particular limitation, that makes each of these claims allowable. No single limitation should be construed as the reason for allowance of a claim because it is each of the elements of the claim that makes it allowable. Therefore, Applicants do not concede that the reasons for allowable subject matter given by the Examiner are the only reasons that make, or would make, the claims allowable and do not make any admission or concession concerning the Examiner's statement in the Office Action.

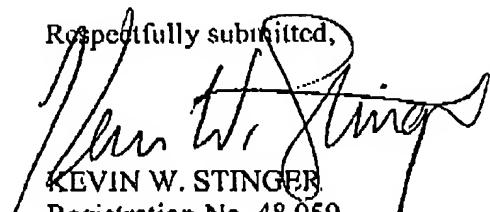
Application No. 10/798,637  
Amendment After Final dated February 28, 2006  
Reply to Final Office Action mailed November 28, 2005

**CONCLUSION**

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 28<sup>th</sup> day of February, 2006.

Respectfully submitted,



KEVIN W. STINGER  
Registration No. 48,959  
Attorney for Applicant  
Customer No. 022913  
Telephone: (801) 533-9800

W:\14374\91\ML0000002709V001.doc